

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**TYRONE OWENS,**

**Plaintiff,**

**v.**

**C/O BURGESS, et al.,**

**Defendants.**

**No. 02-CV-0942-DRH**

**ORDER**

**HERNDON, District Judge:**

Pending before the Court are two motions for summary judgment (Docs. 223& 227). On March 16, 2007, the undersigned judge allowed Owens up to and including April 16, 2007 to respond to the motions (Doc. 233). As of this date, Owens has not responded to the motions.<sup>1</sup> Pursuant to **Local Rule 7.1(c)**, the Court finds the failure to respond an admission of the merits of the motions.<sup>2</sup> Accordingly, the Court **GRANTS** Defendants' motions for summary judgment (Docs. 223 & 227). The Court **ORDERS** the Clerk of the Court to enter judgment in favor of Defendants Nancy Thomas, Terri D. Coleman, C/O Boone, C/O Heiman, C/O Fedderke, C/O

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<sup>1</sup>This is not the first time in this litigation that Owens has missed deadlines or failed to comply with Court Orders. (See Docs. 179 & 191). On March 7, 2006, the Court dismissed this action without prejudice for want of prosecution as Owens failed to appear at a status conference. Later, the Court vacated its Order dismissing the case (Doc. 199).

<sup>2</sup>Failure to timely file an answering brief to a motion may, in the court's discretion, be considered an admission of the merits of the motion." **Local Rule 7.1(c)**.

Rowland, Melody Ford, Nancy Tucker, Nurse Shelton, C. Mathis, Tom Maue, Jay Ziegler, Shorn, C/O Payne, Sgt. Pelker, C/O Lockhead, J. Ryan, Latoya Owens, Major Inman, Debi Middendorf, Mary West, Assistant Warden Ucthman, Assistant Warden Spiller, Captain Slover, Karla Klindworth, Lt Bowers, C/O Colonne, Gail Broshears, Lt. Butler, Lt. Schuler, Warden McAdory, Roger E Walker, C/O Burgess, C/O Severs, Lieutenant Lowry, Warden Holmes, and Captain Whisenhunt and against Tyrone Owens.

**IT IS SO ORDERED.**

Signed this 10th day of May, 2007.

/s/ \_\_\_\_\_ David RHerndon  
**United States District Judge**